

REMARKS / ARGUMENTS

In the outstanding office action of August 13, 2003, claims 1-15 stand rejected under the doctrine of obviousness type double patenting. As such, a Terminal Disclaimer believed to overcome these grounds for rejection is included herewith. Additionally, claims 16-22 are rejected as being unpatentable over Jacob et al. in view of Webb, and claims 23-28 stand rejected as being unpatentable over Jacob et al. in view of Webb and Yoseloff. In response to these grounds for rejection, claims 23-28 have been cancelled and new claims 29-34 are submitted herewith. Moreover, claim 16 has been amended.

Turning to the Examiner's rejection, the Examiner acknowledges that the primary reference, namely the reference to Jacob et al., does not teach the selection of the banker or player being in response to a user selection as recited in independent claim 16 and new independent claim 29. In this regard, it is noted that the game of baccarat is traditionally a very rigid game, with a very strict set of rules governing its mode of play. Indeed, it is for that reason that Jacob et al. sought to "alter the rules of the game" by defining expanded wagering methods. As a result, despite the Examiner's contention that it would have been obvious to include such a feature in order to "give the player more control" and "merely involves altering the rules of the game", it is urged that it is precisely such a departure from the traditional gaming rules to "give the player more control" and the utilization of a computerized gaming assembly that make the Applicant's claimed

invention non-obvious to one of ordinary skill in the art, as further evidenced by the lack of any teaching or suggestion of such a device. It is therefore believed that independent claim 16 and the claims that depend therefrom are in condition for allowance.

Additionally, and with special regard to claim 29, it is urged that it would not have been obvious to provide a gaming assembly for the play of baccarat wherein a user is allowed to select which will be the user hand after being given the opportunity to view one or more revealed cards from the dealt hands. In particular, given the previously mentioned rigid rules associated with the play of the game baccarat, and especially those associated with the distribution of additional cards by rule rather than by player choice once normal game play has commenced, such an improvement to the mode of game play which clearly impacts the user's odds of winning would not have been obvious absent clear disclosure to the contrary within the prior art. Certainly hindsight knowledge of the Applicant's teachings cannot be the basis for rejection when no suggestion or disclosure appears in the prior art, including Jacob et al. which the Examiner points out "does not disclose the user selection before or after the generation of the player's hand". As such, it is urged that new independent claim 29 is in condition for allowance.

Next, looking to new independent claim 30, it is urged that the prior art further fails to disclose or suggest a baccarat gaming assembly wherein a user is allowed to see and exchange a

revealed card for a new card, whether before or after a user's hand is designated by a user or by the computer processor, and as recited in new independent claim 30. Again, such an assembly that is structured to depart from the traditional rules of the game of baccarat in a manner that has a direct impact on the user's odds of winning represents a new, useful and novel improvement over the prior art, and is not taught or suggested by the prior art. As such, it is urged that independent claim 30, as well as the claims that depend therefrom are in condition for allowance and such allowance is solicited.

Finally, it is believed that the amendments to claim 16 and new independent claims 29 and 30 present subject matter previously included in the originally presented claims, such that a new search does not appear to be required.

In the event that any fee may be required by the filing of this paper, the Commissioner is hereby authorized to charge any fees and/or credit to our **Deposit Account No. 13-1227**.

Based on the above, this application is believed to be in clear condition for allowance and such action is respectfully solicited.

Respectfully submitted,

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